

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 98-3

February 20, 1998

TO: All Regional Directors, Officers-in-Charge,  
and Resident Officers

FROM: Fred Feinstein, General Counsel

SUBJECT: Compliance Initiatives

Obtaining compliance with Board Orders and court judgments is a critical part of the Agency's mission. Our activities in this area are designed not only to provide effective relief to those affected by the commission of unfair labor practices, but also to demonstrate, to the parties and the public, the Agency's commitment to enforcing the Act. I place a very high value on the Agency's compliance activities, and want to extend my appreciation to the many of you who are devoting so much of your time and energy to this important function.

During the past year, we have had two committees working on discrete aspects of compliance. One was the Compliance Reinvention Committee, chaired by Assistant General Counsel Gary Shinnars, of the Contempt Litigation and Compliance Branch, and consisting of headquarters and field representatives, including those designated by the NLRBU and the PA. Their responsibility was to examine all aspects of compliance work and develop recommendations on how this work could most effectively be handled in an era of limited budget and staff resources. The Committee's detailed and thoughtful recommendations have been carefully considered. One recommendation, for the "reinvention" of the Contempt Litigation and Compliance Branch, was adopted and announced in January 1997 in **Memorandum GC 97-2**. The expansion of that Branch's role to include guidance and assistance to the field on a full range of compliance issues is a key component of our reinvention program. I know that many of your offices have already benefited from the Branch's expertise and assistance. You are all encouraged to take advantage of this valuable resource.

Several other recommendations of the Compliance Reinvention Committee, including delegation of case closing authority to the Regions in Board Order compliance cases; establishment of a compliance information line in the Contempt Litigation and Compliance Branch; alternate methods of backpay calculation; expanded use of Section 11 investigative subpoenas; and approaches to recidivism and expanded use of formal

settlements have been adopted in **Memorandum OM 98-11**, issuing today. Another product of the Committee's work is **Memorandum OM 98-12**, also issuing today, which encourages the identification and investigation of potential compliance issues at early stages of an unfair labor practice charge. This approach, often referred to as "frontloading", is designed to deal with issues as they emerge, thus conserving resources and offering greater promise of success.

Another committee, the Impact Analysis Compliance Subgroup, was responsible for making recommendations as to the application of Impact Analysis to compliance cases. That Subgroup was chaired by Deputy to the Assistant General Counsel Dana Hesse, Division of Operations-Management, and comprised various field and headquarters representatives, including those designated by the NLRBU. Following consideration of the Subgroup's recommendations, and subsequent field input, I am issuing **Memorandum GC 98-4** today implementing Impact Analysis for compliance cases. As set forth more fully in that memorandum, I expect that Impact Analysis will help ensure that the Agency's compliance resources are utilized in the most effective and efficient manner.

In addition to these efforts, in the past year we have also issued other memoranda to assist the field in processing compliance cases:

**Memorandum**

**OM 97-60**, Guidelines for Applying Impact Analysis Where a Respondent has Filed for Bankruptcy; **Memorandum GC 97-3**, Bankruptcy Referrals to Headquarters Offices (designed to aid Regions in knowing where to obtain assistance); and **Memorandum OM 97-5**, Recidivist Identification - Revised Computerized Appellate Court Case Lookup System, which announced the availability of computerized data to assist in identifying entities which may be in violation of an outstanding court judgment.

I hope that various initiatives described above will assist you and your staff in the processing of compliance work.

F. F.

cc: NLRBU

